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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JERRY CROSS,	Case No. 2:17-cv-00290-JCM-VCF
	ORDER
v.	
BRIAN WILLIAMS, SR., <i>et al.</i> ,	
Respondents.	

This action was a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Jerry Cross, a Nevada prisoner. The Court appointed counsel for Cross. See Order entered May 17, 2017 (ECF No. 7). Counsel -- the Federal Public Defender for the District of Nevada -- appeared for Cross on June 6, 2017 (ECF No. 9). Cross was then granted time to file an amended habeas petition. See Order entered June 7, 2017 (ECF No. 10). On July 10, 2017, however, rather than filing an amended petition, Cross filed a motion for voluntary dismissal of this action. See Motion to Voluntarily Dismiss Petition for Writ of Habeas Corpus (ECF No. 13). Cross' counsel stated in the motion that Cross and his counsel agreed that it was in Cross' best interests to voluntarily dismiss this action. See *id.* The Court granted Cross' motion for voluntary dismissal, and dismissed this action on July 13, 2017 (ECF No. 12), and judgment was entered on that day (ECF No. 13).

1 About nine months later, on April 11, 2018, Cross filed, *pro se*, a document entitled  
2 "Notice of Appeal" (ECF No. 16), in which he appears to indicate an intention to "appeal"  
3 to this court from a ruling of the Nevada Supreme Court.

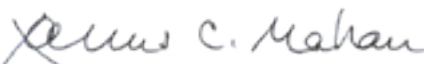
4 As Cross is represented by counsel in this case, he may not act *pro se* in it. See  
5 LR IA 11-6(a) ("A party who has appeared by attorney cannot while so represented  
6 appear or act in the case."). The Court will order Cross' April 11, 2018, filing stricken on  
7 that ground. If Cross wishes to file a document in this case, he must consult with his  
8 counsel, and have his counsel do so on his behalf.

9 If Cross wishes to pursue a new federal habeas corpus action, he must initiate a  
10 new action in this Court. The Court will direct the Clerk of the Court to send Cross the  
11 necessary forms.

12 **IT IS THEREFORE ORDERED** that the document filed by petitioner on April 11,  
13 2018 (ECF No. 16) shall be stricken from the record. The Clerk of the Court is directed to  
14 do so.

15 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to the petitioner,  
16 at his prison address, by mail, a copy of this order, along with two copies of the form  
17 petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, for state prisoners, and  
18 two copies of the form application to proceed *in forma pauperis* for state prisoners.

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20 DATED May 4, 2018.

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23 JAMES C. MAHAN,  
24 UNITED STATES DISTRICT JUDGE  
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